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EXECUTIVE SUMMARY
HUMAN RIGHTS VIOLATIONS IN 1998

TIBET

CRACKDOWN ON HUMANITY



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In 1998, the 50th anniversary of the Universal Declaration of Human Rights was celebrated internationally. Despite recognition of this declaration, the People's Republic of China continues to breach the provisions therein, leaving the Tibetans very little to celebrate. 49 years after the PRC occupied Tibet, the freedom to exercise fundamental human rights has not been restored.

The People's Republic of China has successfully deflected international pressure with regards to its human rights record, primarily on account of its massive market economy. Despite a number of visits from foreign delegations during the year, few practical revisions have been made to amend the situation. Evidence actually indicates a contrary trend; an increasingly tighter governmental control over all sectors of Tibetan life which is seriously jeopardising the survival of the unique Tibetan culture and people.

It appears that China is attempting to alienate the Tibetans from their own identity in order to prevent dissension. The Tibetan population is being marginalised in all domains. Extreme repressive measures imposed on religion, an intrinsic element of the indigenous culture, continue to stifle Tibetan cultural autonomy. The right to freedom of expression and opinion is consistently negated and many Tibetans are arrested arbitrarily on account of such activity.

Tibetan autonomy is also severely restricted by lack of true representation in the political sector, and Tibetans consequently face discriminatory policies and further marginalisation in their own land. State-encouraged population transfer of Chinese into Tibet exacerbates this condition. Population transfer, augmented by harsh birth control policies contrary to domestic law, has grave implications on the survival of the Tibetans. These practices must be curbed.

The harsh suppression of a peaceful demonstration inside Drapchi Prison, Lhasa, in May 1998, is evidence of China's absolute disregard of the Tibetans' right to freedom of expression. There are confirmed reports of 10 prisoners who died as a result, and many more were injured. Others who participated in the demonstration have endured severe repercussions. The demonstration occurred at the time of an official visit by European Union Troika Ambassadors, yet the Chinese monopoly over information prevented the delegation from finding out about the incident until they

had left the region. Information regarding the incident is still very restricted. This is an indication of overwhelming governmental control in the region, and causes concern to human rights monitors as the Chinese government obviously has an unbounded ability to manipulate the dissemination of information regarding all human rights issues.

Following the EU Troika mission, Tibet was also visited by members of the Danish Parliament's Foreign Policy Committee in August 1998, and by the UN High Commissioner for Human Rights, Mary Robinson, in September. Each visiting party expressed dissatisfaction with the limits imposed on their visit by the Chinese government. Little contact with Tibetans was permitted unless accompanied by government officials and all items on the itineraries were subject to Chinese approval. Unfortunately, despite the admission of these restrictions on their visits, delegation reports were diplomatically ambiguous, failing to put sufficient pressure on the Chinese government to rectify the current abusive practices in place.

On October 5, 1998 the PRC signed the International Covenant on Civil and Political Rights. This is a welcomed gesture, and both Tibetan and international communities await evidence of suitable adaptations to bring Chinese domestic law and practice into line with these standards. Present practices transgress international human rights standards, and although improvements have been made in some areas, a more comprehensive scheme for the protection of the Tibetans' human rights must be implemented immediately.

FREEDOM OF EXPRESSION

Despite their obligation to ensure that all citizens can enjoy freedom of expression and opinion, the PRC has actively repressed this right. Any expression of opinion contrary to Chinese Communist Party ideology can result in arrest and in 1998, 56 Tibetans were arrested for such actions, 31 of these were detained.

The repressive measures are focused on religious institutions which the Chinese identify as the primary source of contrary ideas. Since the launch of the "Strike Hard" campaign in 1996, the Chinese government has systematically covered religious institutions in Tibet in an attempt to eradicate allegiance to the Dalai Lama, Tibetan nationalism and any dissension. Thousands of monks and nuns have been expelled as a result of this initiative and hundreds have been arrested. The campaign has been introduced into the lay sector so no Tibetans are exempt from this repressive policy.

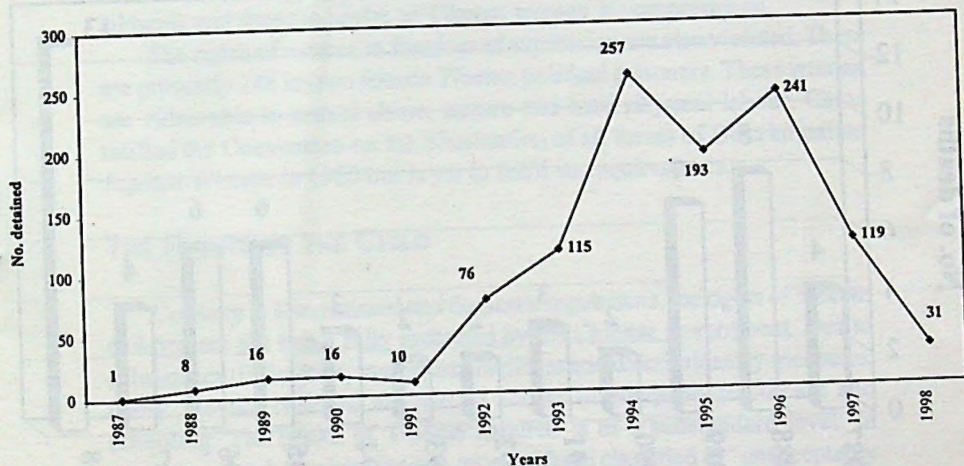
This is a deliberate denial of the right to freedom of expression and if continued, the Tibetan cultural heritage will be seriously endangered. This governmental policy must be immediately checked.

ARBITRARY ARREST AND DETENTION

The 1996 amendments to the Chinese Criminal Procedure Law failed to implement mechanisms to protect individuals from arbitrary arrest and detention. The International Covenant on Civil and Political Rights, which China signed in October 1998, contains provisions which uphold the right of citizens to be free from such a risk, and appropriate amendments to the national constitution are anticipated.

The vast majority of the 135 arrests of Tibetans in 1998 were arbitrary; imprisoned on ambiguous charges of "endangering state security." Incarcerated for exercising their basic rights, the prisoners are denied many rights whilst in detainment. Legal proceedings fail to meet international standards; the accused are often denied legal representation, visitation rights and the right to appeal. They are often subjected to torture in order to extract a 'confession,' and many are detained without any judicial proceeding at all.

Current number known political prisoners detained in Tibet in 1998
(Total* 1083)



POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE

In December 1998, there were 1083 known Tibetan political prisoners in Chinese prisons. 246 of these were women and 12 were juvenile. An additional 93 prisoners, now of adult age, were imprisoned as juveniles and remain in incarceration. 76 of the prisoners are serving sentences of more than ten years. The rate of imprisonment for political reasons in Tibet is far greater than in other areas beneath Chinese rule. It is indicative of the extent of the comprehensive campaign of the government to eliminate any views contrary to official policy in Tibet.

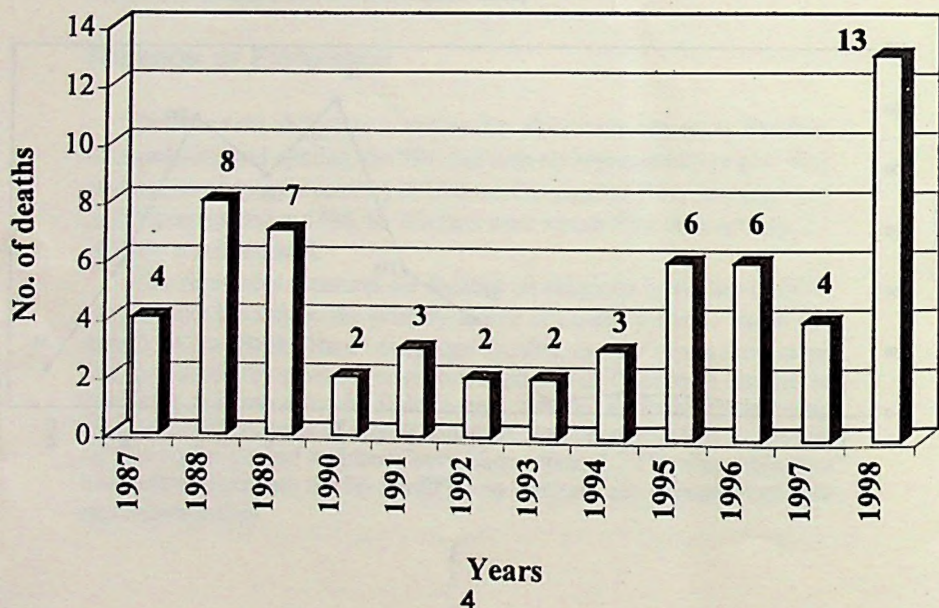
This is a direct violation of basic rights to life, liberty and freedom of expression.

TORTURE IN DETENTION CENTRES AND PRISONS

Torture constitutes a profound abuse of human rights yet despite being party to various international conventions which outlaw the practice, the Chinese government continues to tacitly endorse its use in detention centres and prisons.

Number of known deaths due to torture in 1998

Total * (60)



The ultimate violation of human rights is the termination of life. In 1998, 19 Tibetans died prematurely whilst in detention. Eleven of these deaths resulted from the Chinese suppression of the peaceful demonstration in Drapchi Prison in May. Since 1986, the deaths of 60 Tibetans in detainment have been recorded.

Testimonies from former political prisoners confirm that torture remains prevalent in prisons in Tibet. The primary function of this torture is to extract a confession from the prisoner in the pretrial stage but accounts indicate that it continues throughout detainment. This practice is unacceptable, and is in direct contradiction with the United Nations Convention Against Torture. After a decade of participation in this convention, China is yet to fulfil its responsibility to eradicate torture from its detention institutions.

WOMEN'S RIGHTS

Domestic legislation and international obligations have failed to uphold the rights of Tibetan women in Tibet. The primary violation of their rights results from birth control policies. Despite domestic laws which guarantee concessions for minority groups, Tibetan women continue to be subjected to enforced sterilisation, contraception and abortion procedures. They are not given the option of voluntary contraception methods nor are they provided with adequate healthcare following these procedures. Fear of sterilisation deters many women from seeking medical attention for other ailments and thus the health of Tibetan women is compromised.

The rights of women to freedom of expression are also violated. There are presently 246 known female Tibetan political prisoners. These women are vulnerable to sexual abuse, torture and hard physical labour. China ratified the Convention on the Elimination of all forms of Discrimination Against Women in 1980 but is yet to fulfil its requirements.

THE RIGHTS OF THE CHILD

Contrary to international and domestic regulations, the rights of Tibetan children are not being fully protected by the Chinese government. Due to subsistence difficulties, inadequate facilities and discriminatory measures, many Tibetan children are denied access to adequate healthcare and schooling. The health of Tibetan children is of a substandard level. In some counties the weight-for-age ratio has been classified as "unacceptably

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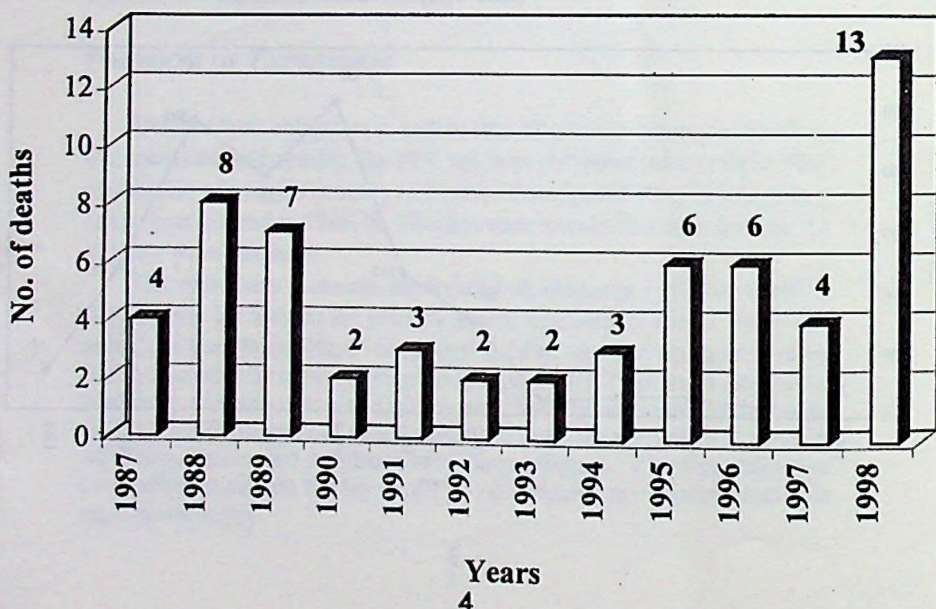
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low" and reports indicate that chronic malnutrition is restricting the growth of Tibetan children.

Within the education system, indigenous children face significant discrimination. As they are now part of a minority population, the education system is not directed to them but to the Chinese immigrants. Consequently they are disadvantaged throughout their entire education and this in turn impacts on future employment opportunities.

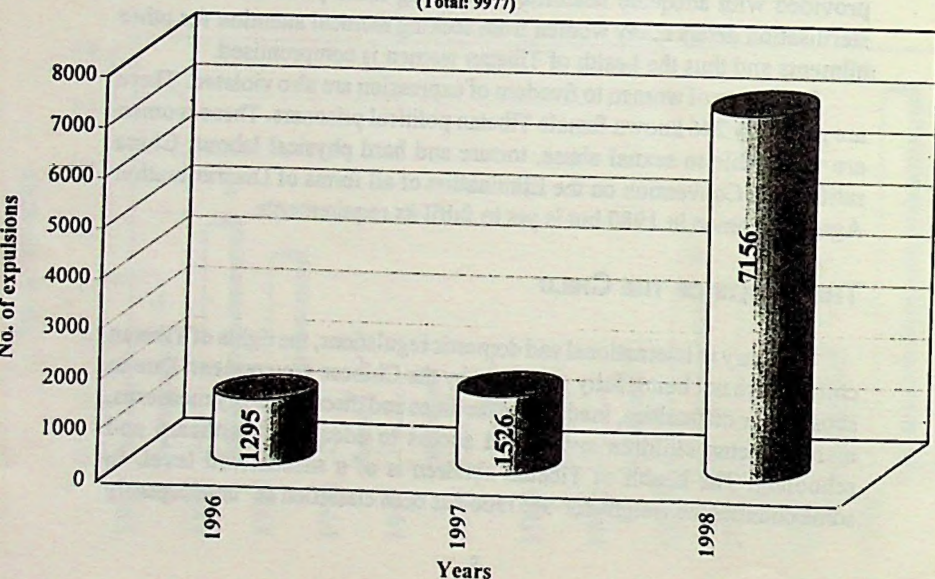
Tibetan juveniles are not exempt from China's repression of freedom of expression. There are presently 12 Tibetan political prisoners below the age of 18 and 93 others who were imprisoned as children but are now adult. 2,206 child monks and nuns were dismissed from their religious institutions in 1998 and were thus alienated from their right to freedom of religion, culture and education.

Overall subsistence levels must be raised and discriminatory tactics abolished in order to address the urgent needs of Tibetan children.

RELIGIOUS PERSECUTION

China's comprehensive repression of religion in Tibet was intensified in 1998. An overwhelming increase in the number of expulsions of monks

Total number of known expulsions in connection with the "Strike Hard" campaign in Tibet from 1996-1998
(Total: 9977)



and nuns from their institutions is evidence of China's intention to further restrict religious practices in Tibet. 327 monks and nuns were arrested and 7156 religious people were expelled from their religious institutions as a result of the "Strike Hard" campaign during the year.

The campaign was introduced nationwide in May 1996 with an overall aim of reducing general crime and corruption. In Tibet, the accompanying programme of "patriotic re-education" was the focus, aimed at diminishing any subversive sentiment and restricting Tibetan nationalism. The Tibetan Centre for Human Rights and Democracy has recorded 9,977 expulsions since the inception of the programme and 492 arrests of monks and nuns.

China has recently declared Tibet to be non-Buddhist and is implementing measures to achieve this end. The Dalai Lama, the spiritual and temporal leader of Tibetans, and his recognised Panchen Lama have been denounced. The nine year-old 11th Panchen Lama has been missing since his status was announced in 1995. Even photographs of the Dalai Lama have been banned. Numerous institutions have been closed down completely and other religious monuments have been destroyed. The right to freedom of religion is consistently negated in Tibet.

POPULATION TRANSFER

The transfer of Chinese citizens into Tibet is perhaps the most significant threat to the Tibetan people as a whole today. If the government is permitted to continue its present policies of population transfer, Tibet may face total marginalisation; a fate not unlike that of Inner Mongolia, Manchuria and Eastern Turkistan.

The affects of the deliberate strategy are already apparent. Tibetans are denied complete access to the political sector and are subjugated to Chinese law. As a result, they are vulnerable to exploitation and negligible policies. Massive economic developments, the catalyst for much of the immigration, is exploiting the land and destroying the livelihood of many indigenous people. The traditional subsistence economy is being replaced by a market economy from which the Tibetans are alienated. Subsistence capabilities are being severely diminished which compromises all other rights. Tibetans face physical displacement on account of the Chinese influx and are losing the right to autonomy over their land.

Economic hardship, combined with blatantly discriminatory policies, is also disabling the Tibetans opportunities in education and health. The ramifications of such alienation are profound. When all these factors are

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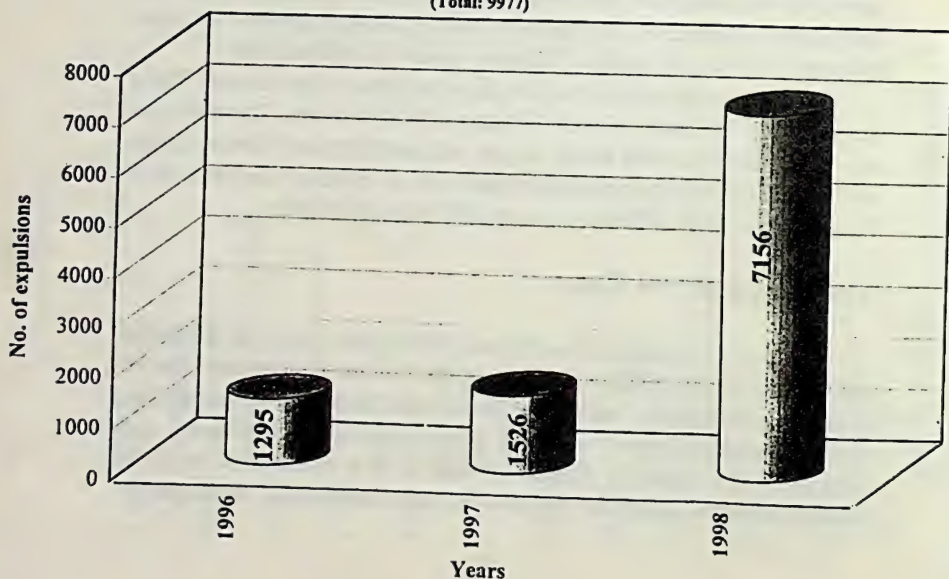
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considered along with the stringent birth control measures imposed on Tibetan women, the motives of the People's Republic of China have a much more guileful undertone.

SUBSISTENCE RIGHTS

Increased Chinese migration, discriminatory policies and inadequate social welfare combine to create a hostile economic environment for Tibetans. More than 70 per cent of Tibetans in the "TAR" now live below the poverty line. The destruction of their traditional subsistence economy is creating an economic void for the indigenous people as they have been alienated from the market economy which has replaced the former. China's economic development programmes are repeatedly failing to alleviate the poverty and new means of financial assistance must be employed.

These difficulties are compounded by harsh taxation policies that have been implemented without concession. Tibetans are being greatly affected by these demands which sometimes constitute as much as half their salary. China plans to equate tax revenue from the "TAR" to that of the rest of China and with so many "TAR" residents living in poverty, such an intention is clearly abusive.

It is essential that China relax their taxation policies and redirect their annual subsidy for the "TAR" so that the living standard of Tibetan individuals may be raised. Until this is achieved, many basic human rights cannot be assured.

ENFORCED DISAPPEARANCE

A major breach of the human right to life, liberty and security of person is in cases of enforced disappearance; when a person is taken into custody by the state and details of their detention are not disclosed. Such acts cause immense anxiety to the detained person and to all concerned individuals.

12 new cases of such disappearance were reported to TCHRD in 1998. Details of all remain inaccessible. The condition and location of 18 of the 22 reported cases last year are yet to be released. The Chinese government is urged to immediately release all information regarding the situation of these missing persons.

RACIAL DISCRIMINATION

The immigration of increasing numbers of Chinese into Tibet has forced the Tibetans into minority status and made them vulnerable to various forms of discrimination.

Despite being a party to the International Convention on the Elimination of All Forms of Racial Discrimination, domestic laws are failing to provide the Tibetans with an environment free from discrimination. Some government-endorsed practices are blatantly discriminatory, to the detriment of the Tibetans.

Tibetans rights in the political sector are severely restricted which annuls their lawful right to autonomy. They also suffer distinct biases in education and healthcare which greatly affects both their cultural and physical development.

The continual influx of Chinese settlers is also resulting in discrimination in the employment sector and the Chinese government is yet to introduce steps to rectify this issue.

CONCLUSION

By the end of 1998, the People's Republic of China had at least *signed* each of the three covenants comprising the International Bill of Rights. This gives rise to the hope that effective measures will soon be implemented to align China's domestic laws with these international norms in order to cease the current violations of human rights.

The cultural and physical survival of the Tibetan population in Tibet is greatly threatened today by continual infringements of these rights. China must actively address this issue. Previously, participation in such covenants has not guaranteed compliance with the provisions therein, and the international community is urged to monitor the situation closely.

Individual and collective rights abuses continue to challenge the Tibetan people in their daily lives and in the future survival of their unique cultural identity. The Chinese government is obliged to rectify this situation immediately by amending their domestic law to provide for the protection of all rights. The signing of the International Covenant on Civil and Political Rights is a welcome indication, but the Tibetan people await evidence of China's adherence to this and other codes. Continual international pressure is essential in encouraging the Chinese government to abide by the regulations of the covenants of human rights.

There is little doubt that China shows insufficient regard to its obligations under the Universal Declaration of Human Rights and various other human rights instruments. This report provides evidence of the continued breach of these regulations. We request the United Nations Commission on Human Rights and the international community to urge China to consider the following recommendations:

Release all political prisoners and prisoners of conscience imprisoned in various Chinese prisons in Tibet.

Define the term "endangering state security" in its Criminal Procedure Law which in its present ambiguous state defeats various rights of the Tibetan people, particularly the right to freedom of expression and opinion.

Adhere to the regulations in international conventions which protect individuals from arbitrary arrest and detention.

Ensure that detainees receive adequate prison facilities as stipulated by the Standard Minimum Rules for the Treatment of Prisoners and prohibit the use of torture. Also, **guarantee** their right of access to legal representation and proceedings.

Protect the rights of the Tibetan people to freedom of religion thereby eliminating the policy of religious repression through the "Strike Hard" campaign.

Abolish policies of population transfer and forced abortion and sterilisation which threaten the cultural and physical survival of the Tibetan people.

Guarantee the rights of Tibetan children, including access to education, and freedom from discrimination and juvenile detention.

Prevent the imposition of unreasonable taxation policies that jeopardise the livelihood of the Tibetan people, especially in the rural areas.